S.B. Civil Writ Petition No.274/2005.

Date : 14.01.2005

Hon'ble Mr. Justice R.P.Vyas

Mr. Vinay Jain for petitioner.

The instant petition has been filed by the petitioner, praying, inter alia that the order dated 28.08.2004 (Annexure-1) passed by the Director, Secondary Education, Bikaner, by which the petitioner has been transferred from Government Fort Senior Secondary School, Bikaner to Napasar, Bikaner may be quashed and set aside.

Learned counsel for the petitioner submitted that the petitioner is suffering from heart disease and he is not in condition to travel long distances and he has been transferred to such a place where there is no facility of Cardiologist which is a condition precedent for the treatment of the petitioner. He further submitted that the petitioner filed a representation before the concerned authority but no attention was paid to the same. Later on, the matter was challenged before the Tribunal but the same was dismissed vide order dated 02.12.2004. Hence this petition.

In alternative, learned counsel for the petitioner also submitted that Respondent Authority may be

directed to consider the representation of the petitioner as early as possible.

After perusal of the entire record and hearing the learned counsel for the petitioner, in the interest of justice, I deem it just and proper to direct the Respondent-Authority to consider the representation of the petitioner. The petitioner is at liberty to file a representation within a period of 15 days from today. If such representation is filed by the petitioner, the Respondent-Authority shall decide the same, within a period of two month from the date of receipt of the representation and pass a reasoned and speaking order, strictly in accordance with law.

With these observations, the writ petition stands disposed of. No order as to costs.

(R.P.Vyas)J.